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of which he died within a short time. Action was brought for the injury, but instead of its being predicated on defendant's negligence, which is the usual method of recovery, trespass to the person was made the basis of the suit. The appellate court approved of the procedure saying that, as negligence need not be shown to recover for damage done by matter thrown by blasting upon adjoining land, so is it immaterial where one is injured in a highway where he has a right to be, citing with approval the New York case of Sullivan *v.* Dunham, 55 Northeastern Reporter, 923, which states that the doctrine is founded upon the principle "that the safety of property generally is superior in right to a particular use of a single piece of property by its owner," and that the maxim, "sic utere tuo ut alienum non lædas," should be so applied as to protect both person and property from direct physical violence, which, although accidental, has the same effect as if it were intentional.

Subsequent Stockholder's Rights to Sue.—Pollitz, plaintiff in the case of Pollitz *v.* Gould, 94 Northeastern Reporter, 1088, brought an action as a stockholder in behalf of the corporation to set aside as fraudulent a transfer and exchange of several millions of dollars par value of its stock, although the transaction in question was consummated at the expense of the corporation before he acquired his stock. It was argued that one who buys stock subsequent to a transaction, buys subject to it and cannot question it; that the right to question a fraud is not a purchasable commodity, and is not capable of assignment and transfer. The Court of Appeals of New York holds the first argument unsound, unless the prior holder gives binding consent to the transaction; and as to the second, that as it is conceded that one holding stock when a fraud is consummated has the right to have the cause of action prosecuted by the corporation or do it himself for the corporation, it would be an anomalous exception if when he transferred his certificate he would retain this right while he passed all his other rights by the transfer.

Pistols Are Pistols.—One Mitchell was convicted for carrying a concealed weapon and appeals to the Supreme Court of Mississippi in Mitchell *v.* State, 55 Southern Reporter, 354, contending that what he carried was not a pistol because it had no hammer or mainspring. The court holds: "An object once a pistol does not cease to be one by becoming temporarily inefficient. Its order and condition may vary from time to time, without changing its essential nature or character. Its machinery may be more or less perfect. At one time it may be loaded; at another, empty; it may be capped or uncapped; it may be easy to discharge or difficult to discharge, or not capable, for the time, of being discharged at all; still, while it retains the general characteristics and appearance of a pistol, it is a